MONTANA LEGISLATIVE HISTORY

Chapter 54 19 2021

Bill H 271 S _____ Original bill & history ✓ C

H. Committee on Federal Relations			S. Committee on State Admin		
Hearing Date(s)	1/25	C	Hearing Date(s)	3/01	C
	1/30	C		3/01	C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

3/15	Transmitted to Governor		
3/22	Signed by Governor		
3/22	Chapter Number Assigned		
	Chapter Number 103		
	Effective Date: 10/01/2001 - All Sections		

HB 269 Introduced by Carney *LC1395 Drafter: Petesch*

FTE for Asbestos Community Liaison

1/02	Fiscal Note Needed		
1/11	Introduced		
1/11	Referred to Human Services		
1/19	Hearing		
1/26	Tabled in Committee		
3/24	Missed Deadline for Appropriation Bill Transmittal		

HB 270 Introduced by Wanzenried *LC0572 Drafter: Heiman*

Tax Credit for Public School Teacher Purchase of School Supplies

11/17	Fiscal Note Needed		
1/11	Introduced		
1/11	Referred to Taxation		
1/11	Fiscal Note Requested		
1/18	Fiscal Note Received		
1/22	Fiscal Note Printed		
1/25	Hearing		
3/12	Tabled in Committee		
3/29	Missed Deadline for Revenue Bill Transmittal		

HB 271 Introduced by Jayne, et al. *LC0599 Drafter: McClure*

Revise State-tribal Cooperative Agreements Law

By Request of Attorney General

1/11	Introduced		
1/11	Referred to Federal Relations, Energy, and Telecommunications		
1/25	Hearing		
1/31	Committee Executive Action--Bill Passed as Amended	12	0
2/01	Committee Report--Bill Passed as Amended		
2/03	2nd Reading Passed	98	1
2/05	3rd Reading Passed	100	0
	Transmitted to Senate		
2/06	Referred to State Administration		
3/01	Hearing		
3/01	Committee Executive Action--Bill Concurred	8	0
3/01	Committee Report--Bill Concurred		
3/03	2nd Reading Concurred on Voice Vote	43	0
3/05	3rd Reading Concurred	49	0
	Returned to House		
3/06	Sent to Enrolling		
3/06	Returned from Enrolling		
3/08	Signed by Speaker		
3/08	Signed by President		
3/08	Transmitted to Governor		
3/16	Signed by Governor		

3/16	Chapter Number Assigned		
	Chapter Number 54		
	Effective Date: 3/16/2001 - All Sections		

HB 272 Introduced by Olson, et al. *LC1276 Drafter: C. Erickson*

Revise Religious Instruction Released Program Time

1/11	Introduced		
1/11	Referred to Education		
1/24	Hearing		
1/31	Committee Executive Action--Bill Passed as Amended	11	7
1/31	Committee Report--Bill Passed as Amended		
2/02	2nd Reading Passed	67	33
2/03	3rd Reading Passed	66	33
	Transmitted to Senate		
2/06	Referred to Education and Cultural Resources		
3/02	Hearing		
3/03	Committee Executive Action--Bill Concurred	11	3
3/03	Committee Report--Bill Concurred		
3/06	2nd Reading Concurred	31	16
3/07	3rd Reading Concurred	27	20
	Returned to House		
3/08	Sent to Enrolling		
3/08	Returned from Enrolling		
3/09	Signed by Speaker		
3/12	Signed by President		
3/13	Transmitted to Governor		
3/19	Signed by Governor		
3/19	Chapter Number Assigned		
	Chapter Number 84		
	Effective Date: 10/01/2001 - All Sections		

HB 273 Introduced by R. Erickson, et al. *LC1289 Drafter: Petesch*

Transfer $3.5 Million of TANF Funds to Affordable Housing Revolving Loan Account

1/11	Introduced		
1/11	Referred to Human Services		
1/11	Fiscal Note Requested		
1/15	Rereferred to Taxation		
1/17	Fiscal Note Received		
1/19	Fiscal Note Printed		
1/19	Hearing		
2/08	Committee Executive Action--Bill Passed	20	0
2/08	Committee Report--Bill Passed		
2/13	2nd Reading Passed	82	17
2/13	Rereferred to Appropriations	64	34
3/01	Hearing		
3/13	Committee Executive Action--Bill Passed as Amended	16	0
3/13	Committee Report--Bill Passed as Amended		
3/19	2nd Reading Passed	70	28
3/20	3rd Reading Passed	72	28
	Transmitted to Senate		
3/21	Referred to Finance		
4/03	Hearing		
4/05	Tabled in Committee		
4/07	Taken from Table in Committee		
4/07	Committee Executive Action--Bill Concurred as Amended	12	6

AN ACT REVISING CERTAIN PROVISIONS OF THE STATE-TRIBAL COOPERATIVE AGREEMENTS ACT; EXTENDING THE TIME IN WHICH STATE-TRIBAL COOPERATIVE AGREEMENTS MUST BE FILED FROM 10 DAYS TO 60 DAYS; ELIMINATING OUTDATED PROVISIONS REGARDING VALIDITY OF EXISTING AGREEMENTS; AMENDING SECTION 18-11-107, MCA; REPEALING SECTION 18-11-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 18-11-107, MCA, is amended to read:

"**18-11-107. Filing of agreement.** (1) Within ~~10~~ 60 days after approval by the attorney general and signature of the parties, an agreement made pursuant to this chapter must be filed with:

(a) the ~~area~~ regional office of the bureau of Indian affairs of the United States department of the interior having trust responsibility for the tribe that is party to the agreement or its successor agency;

(b) each county clerk and recorder of each county where the principal office of one of the parties to the agreement is located, except as provided in (2) of this section;

(c) the secretary of state; and

(d) the affected tribal government.

(2) If a party to the agreement is a state agency, the agreement need not be filed with the county clerk and recorder for Lewis and Clark County."

Section 2. Repealer. Section 18-11-111, MCA, is repealed.

Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations.

Section 4. Effective date -- applicability. [This act] is effective on passage and approval and

NEW SECTION. **Section 3. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations.

NEW SECTION. **Section 4. *Effective date -- applicability.*** [This act] is effective on passage and approval and applies to agreements entered into on or after [the effective date of this act].

- END -

HB 271 SPONSOR: Jayne, Joey SHORT TITLE: Revise state-tribal cooperative agreements law
BY REQUEST OF: Attorney General
REFERRED ON: 01/11/2001 HEARD ON: 01/25/2001
EXECUTIVE ACTION: 01/31/2001 - Bill Passed as Amended -- VOTE: 12 - 0
FINAL DISPOSITION: 03/16/2001 Chapter Number Assigned

HB 338 SPONSOR: Jayne, Joey SHORT TITLE: Include federal /tribal entities in definition of government - criminal purposes
REFERRED ON: 01/18/2001 HEARD ON: 01/30/2001
TABLED ON: 02/15/2001
FINAL DISPOSITION: 02/23/2001 (H) Missed Deadline for General Bill Transmittal

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HB 350 SPONSOR: Haines, Dick SHORT TITLE: End declaration of great depression
REFERRED ON: 01/19/2001 HEARD ON: 01/30/2001
TABLED ON: 02/06/2001
FINAL DISPOSITION: 02/23/2001 (H) Missed Deadline for General Bill Transmittal

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HB 364 SPONSOR: Curtiss, Aubyn SHORT TITLE: Constitutional defense fund -- state-federal issues
REFERRED ON: 01/20/2001 HEARD ON: 03/20/2001
EXECUTIVE ACTION: 03/21/2001 - Bill Passed as Amended -- VOTE: 8 - 3
TABLED ON: 02/08/2001
FINAL DISPOSITION: 03/24/2001 (H) Missed Deadline for Appropriation Bill Transmitt

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HB 374 SPONSOR: Eggers, Bill SHORT TITLE: Revise law on coordinator of Indian affairs
REFERRED ON: 01/23/2001 HEARD ON: 01/30/2001
EXECUTIVE ACTION: 02/16/2001 - Bill Passed as Amended -- VOTE: 12 - 0
FINAL DISPOSITION: 04/02/2001 Chapter Number Assigned

HB 407 SPONSOR: Peterson, Ken SHORT TITLE: Prohibit ancillary business by public utility
REFERRED ON: 01/26/2001 HEARD ON: 02/01/2001
TABLED ON: 02/17/2001
FINAL DISPOSITION: 02/23/2001 (H) Missed Deadline for General Bill Transmittal

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MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: By **VICE CHAIRMAN TOM DELL**, on January 25, 2001 at 3:00 P.M., in Room 137B Capitol.

ROLL CALL

Members Present:

Rep. Aubyn A. Curtiss, Chairman (R)
Rep. Tom Dell, Vice Chairman (D)
Rep. Douglas Mood, Vice Chairman (R)
Rep. Dee Brown (R)
Rep. Roy Brown (R)
Rep. Gary Forrester (D)
Rep. Carol C. Juneau (D)
Rep. Alan Olson (R)
Rep. Trudi Schmidt (D)

Members Excused: None.

Members Absent: Rep. Gary Matthews (D)
Rep. Joe McKenney (R)
Rep. Bob Story (R)

Staff Present: Staci Leitgeb, Committee Secretary
Stephen Maly, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 242, 1/23/01, HB 271, 1/23/01, HJ 5, 1/23/01
Executive Action: None

HEARING ON HJ 5

Sponsor: **REPRESENTATIVE JOAN HURDLE, HD 13, BILLINGS**

Proponents: **Pat Ortmeyer, Women's Action for New Direction**
Paul Wright, Self, Billings
Wendy Young, WEEL, Working For Economy in Economic Liberation

you can talk about 20 miles. With amplifiers or purchase of amateur radio equipment, the distance can be up to 1,000 miles. The idea behind citizen band radios is low power within a local area of communications.

REP. MOOD asked what kind of evidence would be needed to make this bill applicable. **REP. BROWN** said it relates to power; they need to show how many watts are being used within the citizens band portion of the spectrum. They would have to physically have testing equipment and put it on the equipment in question to obtain its output power. The second part would be operating illegally, and they can document that by doing a recording of the frequency spectrum showing what frequency they are operating on illegally. **REP. MOOD** clarified that they would have to get an injunction for permission to go into their home or seize it somehow. **REP. BROWN** said that is correct.

Closing by Sponsor:

REP. BROWN thanked the committee for a good hearing. He said now everyone can understand the frustration of trying to operate these radios and being interfered with. Many times this is under a safety situation, and they need to have a clear signal.

HEARING ON HB 271

Sponsor: **REP. JOEY JAYNE, HD 73, ARLEE**

Proponents: **Pam Bucey, Attorney General's Office**

Opponents: **None**

Opening Statement by Sponsor:

REP. JOEY JAYNE, HD 73, ARLEE, said that HB 271 is an administrative change extending the time for filing tribal agreements. Under Title 18 in the code, there is a provision for tribal and state agreements. The reason for these agreements is to promote cooperation between state and public agencies and the tribes for mutually beneficial activities and services. She said the current time limit of ten days is not sufficient to obtain the different signatures and file it back with the attorney general. There are more than 100 such agreements that must be approved every year, and they must be filed. Most are routine agreements providing for administration of various federal programs, including temporary assistance to needy families and the social security act. The amendment will extend the time limit to 45 days and add language that says failing to file the

the social security act. The amendment will extend the time limit to 45 days and add language that says failing to file the agreement within the time specified does not affect the validity of the agreement. On line 19, page one, the word "area" is changed to "regional" for consistency with federal government designations. New Section 2 repeals outdated Section 18-11-111 which is agreements entered into prior to 1981. Section 3 is a new section that stipulates the secretary of state will send a copy of this act to each tribal government located on the seven Montana reservations. Section 4 makes this bill effective upon passage and approval.

Proponents' Testimony:

Pam Bucey, representing the attorney general's office and the Department of Justice said HB 271 is mostly housekeeping in nature. State Tribal Cooperative Agreement Act currently requires that agreements must be filed with several offices within ten days of their approval by the attorney general. Most of these are routine agreements that happen every year and provide for needed services. This bill is supported by state government agencies, the tribal council and counties. She distributed **EXHIBIT(12)** "Department of Justice informational leaflet on HB 271 and **EXHIBIT(13)**letter of support from Roosevelt County Sheriff.

George Oschenski, Confederated Salish and Kootenai Tribes said he is reading into the record **EXHIBIT(14)**, the testimony of tribal chairman Fred Matt. "The Confederated Salish and Kootenai Tribes of the Flathead Nation wish to extend our support for passage of HB 271 in its original form. That bill, to amend the timeframe for filing State/Tribal cooperative agreements, and other minor housekeeping provisions, improves a good existing piece of State law. This Tribal Nation has found the State/Tribal cooperative Agreements Act to provide a logical and pragmatic vehicle for resolution of intergovernmental disputes. HB 271 improves that law. We support passage of HB 271".

Russ Cater, Chief Legal Counsel for the Department of Public Health and Human Services (DPHHS) said the department supports this bill for the reasons just stated. **EXHIBIT(15)** is a letter from **Gail Gray, Director DPHHS** supporting HB 271.

Dave Woodgerd, Chief Legal Counsel for the Department of Revenue said they enter into agreements with tribal governments and have used this act to resolve disputes they have had over tax issues and it has been very useful.

Opponents' Testimony: None

Informational Witnesses: None

Questions from Committee Members and Responses:

REP. MOOD asked for clarification of the language on line 27, page one. Does that mean that the terms of the agreement will be abided by whether you file or not within that 45 day period? **REP. JAYNE** said if it comes in on day 46, it would not be made invalid. **REP. MOOD** asked why there is a time limit at all if the validity of the agreement is going to be in place whether the requirements are met or not. **REP. JAYNE** deferred to **Sarah Bond, Assistant Attorney General** who said she believes the bill is a requirement to allow a public right to know. This is a good point, they could dispense with the time line altogether. But she feels that time lines are there to provide that state agencies get it done in a certain time period. Existing law is that such requirements are not deemed "material", such that they don't void the agreement. **REP. MOOD** said it would appear that what we are saying is that it is a nice idea to file, but you really don't have to. Isn't that essentially what we are saying? **Sarah Bond** said no, it doesn't mean you don't have to do it. This is a statement by the legislature that they believe these agreements should be filed on time in a variety of offices around the state. In her experience, such time lines are almost always adhered to, but if they are missed the validity is not affected. If you choose to remove it altogether, that would be your choice. She feels that the legislative intent is that the deadline should be met and that is a "savings clause" indicating it is not legislative intent that it is not material.

REP. DEE BROWN said she had the same questions and concerns of **REP. MOOD** and asked about making an amendment that says if failure to meet this deadline happens then somebody has to meet and discuss what the problem is. She said she does not like to leave it open-ended or it could just be left out. **Sarah Bond** said it is a question of legislative intent and there are similar deadlines throughout state statutes. Case law about them is that they are not material. Perhaps it was an error on their part to make that express in the statute. This may be considered a friendly amendment if you want to remove or amend it.

REP. SCHMIDT asked for an example of a cooperative agreement and is wondering why they wouldn't want to have something there by the 45th day if it has to be passed on to several agencies. **Sarah Bond** said cooperative agreements come in all sizes and shapes and if an agency wants assistance, it is her function to

assist agencies in doing what needs to be done. For example, one of the reasons there is a letter of support from Roosevelt County is that they now have a 911 agreement and service area because they have a cooperative agreement with their tribe. There were grant funds available, but only if they cooperated with the Fort Peck tribes in that area and formed a joint board and were able to establish a 911 service area. In that case the agreement was between Roosevelt County and Fort Peck tribes and may have involved the sheriff as a separate office. Another type of cooperative agreement is cross deputization agreements which are local law enforcement agreements that are very important in maximizing scarce resources in Montana's rural counties. She said she has seen many cooperative agreements with time lines like this for state agencies, but she has never seen language such as mentioned earlier that would trigger something to happen if a time line is not met. Usually courts interpret such time lines not as jurisdictional in nature or as having any particular effect, but rather as a bench mark for the agency to meet.

REP. JUNEAU clarifies that it is just the filing of an agreement after everyone had agreed to it. **Sarah Bond** said this is a "public right to know" thing, everyone has at this point signed the agreement. If it is a tax sharing agreement, existing law requires there to be public meetings, both before the agreement is signed, and after everyone has signed. These are filed with the public offices as a matter of public record.

REP. SCHMIDT asked why this had to be added. What was the problem before? **Sarah Bond** said there were two problems: one it sits on someone's desk and is not filed within ten days, two is that occasionally there are people who believe that tribal governments do not have a right to exist and the attorney general gets sued or challenged because the state statute provides for such agreements and someone who doesn't like the agreement says that agreement is not valid. In those cases, they sometimes look for little things like "this agreement isn't valid....". It was an attempt to make clear legislative intent that the filing deadline for after everyone has signed it is a matter of public record and not a material component of the contract.

REP. OLSON said, doesn't the 45 days give more than enough time to file an agreement. **Sarah Bond** said it is intended to encapsulate current common law. Unless you wanted to make that a material component of the contract, it doesn't add anything. It is intended to be a signal from the legislature that you should do this within a certain time period. If you want to remove it, the court would probably find the same thing to be true. It was actually in response to people who wanted to challenge such

agreements, and they tend to look to see if all the i's are dotted and all the t's are crossed. **REP. OLSON** said we are always getting into this "public right to know". If documents aren't filed in a timely manner, he agrees with doing away with the 10 days as that is not reasonable. The 45 days is very reasonable. He asked how does the openendedness on line 27 fits into the "public right to know". **Sarah Bond** said it is just intended to encapsulate current common law. If it were removed and someone would make that challenge, the judge would rule the same way. It was simply a statement of existing law that was added because of certain challenges that have been made.

Closing by Sponsor:

REP. JAYNE said HB 271 is a fairly simple bill that has existed since 1981. The intent is just to ease the cooperation and the agreements between any public or state agency with tribal governments by extending the time frame from 10 days to 45 days. She said she did not think an amendment was necessary at this time. She urged a DO PASS on HB 271.

EXHIBIT 12
DATE January 25 2001
HB 271

DEPARTMENT OF JUSTICE
HB 271: Extend Time for Filing Tribal Agreements

Background

The State/Tribal Cooperative Agreements Act currently requires that agreements must be filed with several offices within 10 days of being approved by the attorney general and signed by all the parties. More than 100 such agreements must be approved and filed every year. Most are routine agreements providing for cooperative administration of various federal programs including temporary assistance to needy families, the social security act, and various other health and human services programs.

Extension Needed (Section 1)

Since this provision is intended to provide several places where citizens can find and review agreements, there is no need for such a restrictive time frame. In addition, because the agreements must be routed among tribal and state officials, the time frame is simply unworkable.

For example, after the attorney general approves an agreement with multiple parties, it may be almost impossible to get the documents back from the signing parties and filed within 10 days of obtaining all the signatures. There is no compelling reason to remain with the very limited deadline that may have been set without an understanding of the magnitude of the problem it would create. Extending the deadline to 45 days will allow officials a reasonable amount of time to file agreements.

Updating the name of federal office (Section 1).

The United States changed the designation of its local offices from area to regional offices, and this change updates the statutory language.

Failure to file (Section 1)

This section clarifies that the filing deadline does not affect the validity of an agreement. Though few agreements should fall through the cracks with this extended period, it was never the intent that any mistake in the filing would affect the validity of the agreement.

Repealer (Section 2)

The section to be repealed deals with agreements entered into prior to 1981. There are no known pre-1981 agreements that have not been updated since enactment of the legislation. HB 271 simply removes this outdated section.

Summary of HB 271

- extends the time within which cooperative agreements must be filed with state and local officials from 10 to 45 days;
- removes an out-of-date section of the Act; and
- updates references to the local federal office.

EXHIBIT 13
DATE January 25 2001
HB 271

Roosevelt County Sheriff's Office
416 ½ 2nd Ave South
Wolf Point, MT 59201-0280
(406) 653-6216

Thursday, January 25, 2001

To whom it may concern:

As Sheriff of Roosevelt County I support HOUSE BILL NO. 271 INTRODUCED BY J. JAYNE. I understand the time frame in which it takes to deal with State and Tribal issues and the 10 days is not long enough to accomplish the tasks at hand.

I think the more the State and Tribes are working together the issue of the agreements becoming valid if it is not filed in the time specified only hurts the State. Many times in the Cross-Deputization agreement that we have here with the Fort Peck Tribes time was a major concern.

Sincerely,

John Q. Grainger
Roosevelt County Sheriff

FLATHEAD NATION

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 275-2806
E-mail: csktcouncil@ronan.net

EXHIBIT 14
DATE January 25 2001
HB 271

Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Leon Bourdon - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS:
D. Fred Matt - Chairman
Jami Hamel - Vice Chair
Carole J. Lankford - Secretary
Lloyd D. Irvine - Treasurer
Darryl A. Dupuis
Margaret Goode
S. Kevin Howlett
Mary Lefthand
Elmer "Sonny" Morigeau
Ron Trahan

January 23, 2001

Ms Aubyn Curtiss, Chair
House Committee on Federal Relations, Energy and Telecommunications
Montana State Capitol
Helena, MT

Re: HB 271, a bill to amend select provisions of the State/Tribal Cooperative Agreements Act

Dear Chairwoman Curtiss:

The Confederated Salish and Kootenai Tribes of the Flathead Nation wish to extend our support for passage of House Bill 271 in its original form. That bill, to amend the timeframe for filing State/Tribal cooperative agreements, and other minor housekeeping provisions, improves a good existing piece of State law. This Tribal Nation has found the State/Tribal cooperative Agreements Act to provide a logical and pragmatic vehicle for resolution of intergovernmental disputes. H.B. 271 improves that law. We support passage of H.B 271.

Sincerely,

D. Fred Matt

D. Fred Matt, Tribal Chairman
CONFEDERATED SALISH AND KOOTENAI TRIBES

EXHIBIT 15
DATE January 25 2001
HB 271

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

MARC RACICOT
GOVERNOR

LAURIE EKANGER
DIRECTOR

STATE OF MONTANA

www.dphhs.state.mt.us

PO BOX 4210
HELENA, MONTANA 59604-4210
(406) 444-5622
FAX (406) 444-1970

January 19, 2001

Aubyn A. Curtiss, Chair
House Federal Relations, Energy, and
Telecommunications Committee

Re: **House Bill 271, Revising the State-Tribal Cooperative Agreements Act**

Dear Representative Curtiss:

On behalf of the Department of Public Health and Human Services, I want to express our support for House Bill No. 271, which has been requested by the office of the Attorney General.

DPHHS has a substantial number of contracts with Montana's tribal entities, the majority of which are for the duration of a year and are renewed annually. Each year our programs and contract personnel carefully monitor the tribal contracts to make sure that, once a tribe signs a contract, they send it back to us and we send out copies of the signed contract to be filed with the appropriate entities as required in Montana law. Section 18-11-107, MCA requires that the filing must be completed within ten days after the contract is signed. Fulfilling our responsibility to send the notice letters out within the ten days after the contract is signed is not always possible because it depends on each of the tribal entities immediately sending the contract back to us after they sign it. This does not always happen. Extending the deadline to 45 days should be sufficient to alleviate that problem.

In addition, there has always been a question about the legal effect of missing the 10-day deadline for mailing and filing the signed tribal contract copies. The sentence added to section 1 of house Bill No. 271, stating that the validity of the contract is not affected by our failure to file the contract copies within the deadline, eliminates any question regarding the validity of the contract if the time line is not met.

Thank you for your consideration of our support for House Bill No. 271.

Sincerely,

Gail Gray

Gail Gray
Director

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: By **CHAIRMAN AUBYN A. CURTISS**, on January 30, 2001 at 3:20 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Aubyn A. Curtiss, Chairman (R)
Rep. Tom Dell, Vice Chairman (D)
Rep. Dee Brown (R)
Rep. Roy Brown (R)
Rep. Gary Forrester (D)
Rep. Carol C. Juneau (D)
Rep. Gary Matthews (D)
Rep. Joe McKenney (R)
Rep. Alan Olson (R)
Rep. Trudi Schmidt (D)
Rep. Bob Story (R)

Members Excused: Rep. Douglas Mood, Vice Chairman (R)

Members Absent: None.

Staff Present: Stacey Leitgeb, Committee Secretary
Stephen Maly, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 338, 1/26/2001; HB 374, 1/26/2001
Executive Action: HB 242; HB 271; HJ 5

that could be used to prosecute these. **REP. ROY BROWN** said that there are federal laws that are out there that could be used, however, whenever radio operators went to the FCC and asked for relief under those federal laws, they didn't feel that they ever got any results from that particular situation because the FCC didn't feel that it was a big enough crime to chase down these people to get it taken care of.

REP. MOOD would characterize this as a very difficult situation for a very small number of people. Unless some controlling authority decides to take this on as a project, the practical effect is that nobody is going to do anything about it. It would be very, very difficult to prove that someone is using an illegal transmitter. This is another bill that will most likely not be enforced.

Vote: Motion **carried 11-1 with Story voting no.**

EXECUTIVE ACTION ON HB 271

Motion: **REP. DELL** moved that **HB 271 DO PASS.**

Motion: **REP. OLSON** moved that **AMENDMENTS BE ADOPTED.**

Discussion:

REP. OLSON explained the amendment. EXHIBIT(1)

REP. JUNEAU said that the Attorney General's office said that the amendments were okay. The sponsor of the bill didn't like the amendments.

REP. DEE BROWN said that this is already in law, so by eliminating number 3, it really doesn't change the practice anyway.

REP. CURTISS asked what the bill would accomplish. **REP. STORY** said that it makes it clear that instead of having ten days to file the grievance you have 60 days.

REP. OLSON said that ten days isn't enough time. He felt striking 27 and 28 would be a little more encouragement to get it done on time.

REP. JUNEAU said that the tribal/state cooperative agreements sometimes take a while to get done. This bill will make things a little more flexible to get copies of the agreement to everyone

that needs one. This is making sure that the ten day limit doesn't do away with an agreement that took a long time to get done.

REP. DEE BROWN said that line 27 is not a material part of this agreement.

Vote: Motion **carried unanimously.**

Motion: **REP. OLSON** moved that **HB 271 DO PASS AS AMENDED.**

Discussion:

REP. MOOD asked for clarification. **REP. STORY** said that chapter 18 applied to public contracts, 1-11 is validity of existing agreements. **Mr. Maly** said that the appeal is just to rid the code of a piece of legislation that no longer affects anything.

Vote: Motion **carried unanimously.**

EXECUTIVE ACTION ON HJ 5

Motion: **REP. OLSON** moved that **HJ 5 BE ADOPTED.**

Discussion:

REP. CURTISS had asked that some research be done on the issue of military spending. She feels that we shouldn't minimize the danger to our country because of what has happened with the deterioration of the Soviet Union. She learned that ten countries now possess biological weapons, including Iran, Iraq, Libya and North Korea. They have the capability of delivering them to the US. There are a total of 160 countries where we have a military presence. She read, "We project that during the next 15 years the United States most likely will face ICBM threats from Russia, China, North Korea, probably from Iran, and possibly from Iraq. The Russian threat, although significantly reduced, will continue to be the most robust and lethal, considerably more so than that posed by China and others of magnitude, more than that potentially posed by other nations whose missiles are likely to be fewer in number... By the year 2015, Russia will maintain as many nuclear weapons on ballistic missiles as its economy will allow." There has also been a lot of exchanging of weapons in these countries that are anti US.

Substitute Motion: **REP. CURTISS** made a substitute motion that **HJ 5 DO NOT PASS.**

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Federal Relations, Energy, and Telecommunications** report that House Bill 271 (first reading copy – white) **do pass as amended**.

Signed: _____
Representative Aubyn A. Curtiss, Chair

And, that such amendments read:

1. Title, lines 8 and 9.
Strike: "45" on line 8
Insert: "60"
Following: "DAYS;" on line 8
Strike: remainder of line 8 through "AGREEMENT;" on line 9

2. Page 1, line 17.
Strike: "45"
Insert: "60"

3. Page 1, lines 27 and 28.
Strike: subsection 3 in its entirety

- END -

Committee Vote:
Yes 12, No 0.

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HOUSE OF REPRESENTATIVE

ROLL CALL

FEDERAL RELATIONS, ENERGY AND TELECOMMUNICATIONS

DATE January 30 2001

NAME	PRESENT	ABSENT	EXCUSED
REP. AUBYN CURTISS, CHAIRMAN	✓		
REP. DOUG MOOD, V.C. MAJORITY			
REP. TOM DELL, V.C. MINORITY	✓		
REP. DEE BROWN	✓		
REP. ROY BROWN	✓		
REP. GARY FORRESTER	✓		
REP. CAROL JUNEAU	✓		
REP. GARY MATTHEWS	✓		
REP. ALAN OLSON	✓		
REP. TRUDI SCHMIDT			
REP. JOE MCKENNEY	✓		
REP. BOB STORY	✓		

EXHIBIT 1
DATE 1/30/01
HB 271

Amendments to House Bill No. 271
1st Reading Copy

Requested by Representative Alan Olson

For the House Federal Relations, Energy, and Telecommunications Committee

Prepared by Stephan Maly
January 26, 2001 (4:26PM)

1. Title, lines 8 and 9.
Strike: "45" on line 8
Insert: "60"
Following: "DAYS;" on line 8
Strike: remainder of line 8 through "AGREEMENT;" on line 9

2. Page 1, line 17.
Strike: "45"
Insert: "60"

3. Page 1, lines 27 and 28.
Strike: subsection 3 in its entirety

- END -

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HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

FEDERAL RELATIONS, ENERGY AND TELECOMMUNICATIONS

DATE January 30 2001 Bill NO. 271 NUMBER _____

MOTION: pass as amended

Name	AYE	NO
REP. AUBYN CURTISS, CHAIRMAN	✓	
REP. DOUG MOOD, V C MAJORITY	✓	
REP. TOM DELL, V C MINORITY	✓	
REP. DEE BROWN	✓	
REP. ROY BROWN	✓	
REP. GARY FORRESTER	✓	
REP. CAROL JUNEAU	✓	
REP. GARY MATTHEWS	✓	
REP. ALAN OLSON	✓	
REP. TRUDI SCHMIDT	✓	
REP. JOE MCKENNEY	✓	
REP. BOB STORY	✓	

HB 231 SPONSOR: Lawson, Bob SHORT TITLE: Revise monthly pension for volunteer firefighters
REFERRED ON: 01/24/2001 HEARD ON: 02/06/2001
EXECUTIVE ACTION: 02/07/2001 -Bill Concurred -- VOTE: 8 - 0
FINAL DISPOSITION: 03/16/2001 Chapter Number Assigned

HB 239 SPONSOR: Thomas, Bill SHORT TITLE: Access to information technology for visually impaired
REFERRED ON: 02/28/2001 HEARD ON: 03/08/2001
EXECUTIVE ACTION: 03/15/2001 -Bill Concurred as Amended -- VOTE: 8 - 0
FINAL DISPOSITION: 04/30/2001 Chapter Number Assigned

HB 241 SPONSOR: Thomas, Bill SHORT TITLE: Clarify law on instructions to voters
REFERRED ON: 01/26/2001 HEARD ON: 03/05/2001
EXECUTIVE ACTION: 03/05/2001 -Bill Concurred as Amended -- VOTE: 8 - 0
FINAL DISPOSITION: 03/28/2001 Chapter Number Assigned

HB 271 SPONSOR: Jayne, Joey SHORT TITLE: Revise state-tribal cooperative agreements law
BY REQUEST OF: Attorney General
REFERRED ON: 02/06/2001 HEARD ON: 03/01/2001
EXECUTIVE ACTION: 03/01/2001 -Bill Concurred -- VOTE: 8 - 0
FINAL DISPOSITION: 03/16/2001 Chapter Number Assigned

HB 281 SPONSOR: Lindeen, Monica SHORT TITLE: Governmental internet information privacy act
REFERRED ON: 02/21/2001 HEARD ON: 03/06/2001
EXECUTIVE ACTION: 03/06/2001 -Bill Concurred -- VOTE: 8 - 0
FINAL DISPOSITION: 04/10/2001 Chapter Number Assigned

HB 293 SPONSOR: Harris, Christopher SHORT TITLE: Revise laws on breaking tie votes in elections
REFERRED ON: 03/03/2001 HEARD ON: 02/07/2001
REFERRED ON: 01/26/2001
EXECUTIVE ACTION: 03/15/2001 -Bill Concurred as Amended -- VOTE: 8 - 0
EXECUTIVE ACTION: 02/08/2001 -Bill Concurred as Amended -- VOTE: 8 - 0
FINAL DISPOSITION: 04/26/2001 (H) Died in Process

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on March 1, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:
Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 21, HB 271, HB 326, 2/7/2001
Executive Action: HB 21, HB 271

{Tape : 1; Side : A; Approx. Time Counter : 0}

HEARING ON HB 21

Sponsor: **REP. BILL EGGERS, HD 6, Crow Agency**

Proponents: **Karl Ons, Lt. Gov.**
Loren Stiffarm, RJS & Associates
D.L. Clayborn, Gov. Office of Indian Affairs

Closing by Sponsor:

REP. BILL EGGERS, HD 6, closed HB 21, by telling the committee that applications would be processed in 90 days, so there was a fast turn-around.

HEARING ON HB 271

Sponsor: **REP. JOEY JAYNE, HD 73, Arlee**

Proponents: **Pam Bucy, Assistant Attorney General**
Dane Woodgerd, Montana Department of Revenue
Russ Cater, Department of Public Health and Human Services

Opponents: **None**

Opening Statement by Sponsor:

REP. JOEY JAYNE, HD 73, Arlee, stated this bill would revise the time from 10 days to 60 days for parties to file an agreement after approval of the attorney general. This would provide a more efficient and effective process, she added.

{Tape : 2; Side : A; Approx. Time Counter : 2}

Proponents' Testimony:

Pam Bucy, Assistant Attorney General, explained HB 271, **EXHIBIT(2)** including extending time for filing tribal agreements.

Dane Woodgerd, Montana Department of Revenue, urged support for this bill.

Russ Cater, Department of Health and Human Services, urged support for HB 271.

Opponents' Testimony: **None**

Questions from Committee Members and Responses: **None**

Closing by Sponsor:

REP. JOEY JAYNE, HD 73 closed HB 271.

SEN. BUTCHER told the committee he was concerned about possibly starting new reservations.

SEN. TOOLE replied that reservations were created by treaties long ago and that this law would not do that.

SEN. BOHLINGER stated the Little Shell could buy land to live there, but it would not be a reservation.

SEN. BUTCHER expressed concern that there would be unintended results from this bill.

SEN. HARGROVE said this bill was an effort for economic development.

Motion/Vote: **SEN. EKEGREN** moved that **AMENDMENT HB002101 BE ADOPTED. Motion carried 7-0.**

Motion/Vote: **SEN. EKEGREN** moved that **HB 21 BE CONCURRED IN AS AMENDED. Motion carried unanimously.**

EXECUTIVE ACTION ON HB 271

Motion/Vote: **SEN. EKEGREN** moved that **HB 271 BE CONCURRED IN. Motion carried unanimously.**

SENATE STANDING COMMITTEE REPORT

March 1, 2001

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 271** (third reading copy - blue) **be concurred in.**

Signed: _____
Senator Don Hargrove, Chair

To be carried by Senator Jim Elliott

- END -

Committee Vote:
Yes 8, No 0.

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MONTANA SENATE
2001 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE 3-1-01

NAME	PRESENT	ABSENT	EXCUSED
SEN. DON HARGROVE, CHAIRMAN	✓		
SEN. JOHN BOHLINGER, VICE CHAIRMAN	✓		
SEN. ED BUTCHER	✓		
SEN. PETE EKEGREN	✓		
SEN. JIM ELLIOTT	✓		
SEN. EVE FRANKLIN	✓		
SEN. FRED THOMAS			✓
SEN. KEN TOOLE	✓		

(2)

DEPARTMENT OF JUSTICE

SENATE STATE ADMIN.
EXHIBIT NO. 2
DATE 3-1-01
BILL NO. HB 271

HB 271: Extend Time for Filing Tribal Agreements

Background

The State/Tribal Cooperative Agreements Act currently requires that agreements must be filed with several offices within 10 days of being approved by the attorney general and signed by all the parties. More than 100 such agreements must be approved and filed every year. Most are routine agreements providing for cooperative administration of various federal programs including temporary assistance to needy families, the social security act, and various other health and human services programs.

Extension Needed (Section 1)

Since this provision is intended to provide several places where citizens can find and review agreements, there is no need for such a restrictive time frame. In addition, because the agreements must be routed among tribal and state officials, the time frame is simply unworkable.

For example, after the attorney general approves an agreement with multiple parties, it may be almost impossible to get the documents back from the signing parties and filed within 10 days of obtaining all the signatures. There is no compelling reason to remain with the very limited deadline that may have been set without an understanding of the magnitude of the problem it would create. Extending the deadline to 45 days will allow officials a reasonable amount of time to file agreements.

Updating the name of federal office (Section 1).

The United States changed the designation of its local offices from area to regional offices, and this change updates the statutory language.

Failure to file (Section 1)

This section clarifies that the filing deadline does not affect the validity of an agreement. Though few agreements should fall through the cracks with this extended period, it was never the intent that any mistake in the filing would affect the validity of the agreement.

Repealer (Section 2)

The section to be repealed deals with agreements entered into prior to 1981. There are no known pre-1981 agreements that have not been updated since enactment of the legislation. HB 271 simply removes this outdated section.

Summary of HB 271

- extends the time within which cooperative agreements must be filed with state and local officials from 10 to 45 days;
- removes an out-of-date section of the Act; and
- updates references to the local federal office.

2001 Legislature
January 25, 2001

AN ACT REVISING CERTAIN PROVISIONS OF THE STATE-TRIBAL COOPERATIVE AGREEMENTS ACT; EXTENDING THE TIME IN WHICH STATE-TRIBAL COOPERATIVE AGREEMENTS MUST BE FILED FROM 10 DAYS TO 60 DAYS; ELIMINATING OUTDATED PROVISIONS REGARDING VALIDITY OF EXISTING AGREEMENTS; AMENDING SECTION 18-11-107, MCA; REPEALING SECTION 18-11-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 18-11-107, MCA, is amended to read:

"**18-11-107. Filing of agreement.** (1) Within ~~10~~ 60 days after approval by the attorney general and signature of the parties, an agreement made pursuant to this chapter must be filed with:

(a) the ~~area~~ regional office of the bureau of Indian affairs of the United States department of the interior having trust responsibility for the tribe that is party to the agreement or its successor agency;

(b) each county clerk and recorder of each county where the principal office of one of the parties to the agreement is located, except as provided in (2) of this section;

(c) the secretary of state; and

(d) the affected tribal government.

(2) If a party to the agreement is a state agency, the agreement need not be filed with the county clerk and recorder for Lewis and Clark County."

Section 2. Repealer. Section 18-11-111, MCA, is repealed.

Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations.

Section 4. Effective date -- applicability. [This act] is effective on passage and approval and

applies to agreements entered into on or after [the effective date of this act].

- END -